IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

OP.No. 6363 of 2003(G)

PETITIONER:

M/S.EXCEL GLASSES LIMITED,
REPRESENTED BY VICE PRESIDENT (TECHNICAL)
PATHIRAPPALLY P.O.,
ALAPPUZHA 688 521.

BY ADV. SRI.K.A.ABRAHAM
SRI.BIJU MARTIN

RESPONDENTS:
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1. THE PRESIDENT EXCEL GLASSES EMPLOYEES UNION (UTUC), REG.NO.412/85, PATHIRAPPALLY ALAPPUZHA - 688521.

2. SRI.K.S.MOHAN DAS, KATTUNGAL VEEDU, NORTH ARYAD P.O. VALIYAKALAVOOR, ALAPPUZHA 688 542.
3. SRI.E.JOSEPH, THYKUTTIL HOUSE, AVALOOKKUNNU WARD, ALAPPUZHA.
4. SRI.C.THOMAS, CHAKKUPARAMBU HOUSE, THUMPOLY P.O., ALAPPUZHA.
5. SRI.T.G.RADHAKRISHNAN, DEVI NIVAS, POLLATHAI P.O., ALAPPUZHA.
6. THE INUDUSTRIAL TRIBUNAL, ALAPPUZHA.

7. STATE OF KERALA, REPRESENTED BY THE SECETARY TO GOVERNMENT, DEPARTMENT OF LABOUR & REHABILITATION, GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM 695 001.

BY ADV. SRI.C.K.SAJEEV,SHRI.P.N.MADHUSOODANAN FOR R2 TO R5
GOVERNMENT PLEADER SHRI.SANDESH RAJA FOR R6 & R7

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDERS ON CMP NO.11163/03, IA 619/05 IN CMP 11163/03 IN OP 6363/03

DISMISSED

SD/- ANTONY DOMINIC, JUDGE.

21/2/2007

APPENDIX

PETITIONER'S EXTS:

Ext.P1 photo copy of the G.O.Rt/1731/LBR dt.4.6.99.

Ext.P2 photo copy of the claim statement filed by the 1st respondent union dt.10.1.2000.

Ext.P3 photo copy of the written statement filed by the petitioner management dt. 11.10.99.

Ext.P4 photo copy of the order G.O.Rt.2087/01/LBR dt. 11.7.01.

Ext.P5 photo copy of the claim statement filed by the respondents dt. 3.11.01.

Ext.P6 photo copy of the written statement filed by the petitioner management dt. 30.9.2002.

Ext.P7 photo copy of the award of the Industrial Tribunal dt.3.12.02.

Antony Dominic, J.
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O.P.No.6363 of 2003
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Dated this the 21st day of February, 2007.

JUDGMENT

This Writ Petition has been filed by the Management challenging Ext.P7 award rendered by the Industrial Tribunal, Alappuzha holding that four workers involved in the dispute should be deemed to be the workmen of the Management. On that basis, award has been rendered that until their services are dispensed with in terms of the provisions of the Industrial Disputes Act, they would be deemed to be in the service of the Company. It is also ordered that they will be entitled to monetary benefits for the period during which they were kept out of service.

2. During the hearing of the case, it has been agreed by the Management that they are willing to re-employee the workmen and accommodate them in alternative places, since the work which they were doing is no longer available. It is also offered that in full satisfaction of the monetary benefits ordered in the award, each of the workmen will be paid a consolidated amount of Rs.35,000/-. This suggestion is accepted by Shri.P.N.Madhusoodanan, counsel for the

workmen.

2. In view of the agreement between the parties as noted above, this Original Petition is disposed of in terms thereof and the award will stand modified as per the agreed terms. The Management will implement the terms agreed by them as noted above, within a period of one month from the date of receipt of a copy of this judgment.

Original Petition is disposed of. No costs.

Antony Dominic
Judge.

ess 21/2